

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH *JR*

THOMPSON

CHILCOTT *gc*

DRISCOLL *kd*

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Alan Thompson, Commissioner Greg
Chilcott and Commissioner Kathleen Driscoll

Date.....December 4, 2008

Minutes.....Beth Perkins

► The Board met for the second reading of 'Ordinance No. 17 – Establishing Impact Fees'. Present were Impact Fee Advisory Committee Chairman John Meakin and several citizens.

Commissioner Grandstaff opened the public meeting.

Commissioner Rokosch stated impact fees are applied to the effects of new construction to infrastructure. They do not apply to a level of service. He stated the current level of service is a result from the past impacts and the County needs to move forward. It is better to pay as we go rather than force existing residents and taxpayers to bear the burden. He stated there are many residents on fixed income who cannot afford additional taxes. He spoke of families just starting out and the need for affordable housing.

Commissioner Chilcott stated the impact fees are not assessed on developers. They are going to be paid by homebuyers. He stated this ordinance does not adopt impact fees. Each impact fee proposal is brought forward to the Board for approval based on assessment studies. This ordinance defines the process only.

Commissioner Thompson stated the process started many years ago to find an equitable way to offset the costs. This ordinance is for the process only not to assess the fees. He stated before impact fees can be implemented, an assessment study needs to be completed. He stated mitigation fees collected now can be utilized for anything. With impact fees, it is basically bricks and mortar. He stated if this downturn in the economy

lasts, the schools will not get new students to use the bricks and mortar and will have to give the money back. He stated to have a process is a good way to start.

Commissioner Driscoll stated she looks at this as if you are someone on a fixed income, this is a huge deal. She does not want to burden anyone already in their homes. She stated there are a lot of elderly in this valley and it will increase 225% by 2030. She stated this is a way to mitigate some of the costs.

Commissioner Grandstaff stated this is the umbrella ordinance and provides the framework for other tax entities. She stated right now the taxpayers are paying for the costs of development. This could help create some tax relief for this community.

John Meakin stated the Impact Fee Advisory Committee was formed a year and a half ago. He stated Ravalli County has insufficient revenue to deal with the costs of development and the Impact Fee Advisory Committee has been working on a solution. He stated this ordinance is for process only and does not set a flat amount. Each one will be different based on their own circumstance and level of service standards.

Dick Ellis stated he would like to emphasize what the Board has said. It is to require others to pay their own way for new infrastructure. He is in favor of it.

Commissioner Grandstaff thanked the Impact Fee Advisory Committee for their hard work.

Commissioner Grandstaff opened public comment.

Ron Kramis stated he is a property owner in Corvallis. He asked who pays the fees the developer or the new homebuyer. He has concerns of reducing new construction due to the fees. He stated the real issue is responsibility. He did not hear a lot about private property responsibilities. He used an example of what could happen with people already in their homes having to pay. He stated people should pay their fair share.

Jenny Stoddard stated she understands this is an ordinance for process, not fees. It is harder to fight an ordinance than a fee schedule. She stated the suggested fees for Florence and Corvallis are out of control. In Belgrade, new construction has stopped due to new fees. These fees are ridiculous. She stated it is worrisome to her these fees will be earmarked for other areas. No government has any input on profit. There are builders who take a chance and now face fees on top of a bad market. There is no need for this ordinance to be swallowed by the public now. She questioned the ordinance being rushed into adoption. She stated these things are not clear.

Shelley Cole stated she agrees with Jenny. She questioned the developer's profit statement. She stated there is no profit right now. She questioned the developer paying or homebuyer. She stated she is sorry taxes go up and people have to stay in their homes but what about new families buying homes. Where do they fit in with these fees? She asked

about tax refunds for existing taxpayers with these fees. She stated many taxpayers do not have children in school and they still pay those taxes.

Bill Nelson stated he is in support of this ordinance. He stated over the years developers have come in with voluntary contributions not amounting to much. This would establish a consistency.

Dan Cox stated he is not a developer. He asked if there was an economic study done for this ordinance due to not enough development. He stated this would create problems. He asked if people are going to get a tax cut or increase the coffers to the County. He stated potentially a developer may have to pay \$10,000 in fees but it will drive the cost of the home up for the buyer.

Brooks Cole stated developers do not throw out \$100 in voluntary contributions and be done. He stated it is a lot more. He just finished going through subdivision review and contributed thousands of dollars in a hard market. He discussed how these contributions are paid upfront which many never get compensated.

Jani Summers stated developers are willing to pay impact fees. She stated with this County, it is unreasonable. She stated she paid \$10,000 per lot for her 16 lot subdivision. She stated if she can't afford to live here, then neither can other businesses. She asked what the hurry to do this is. It is flawed. She stated RC needs a great economic base. She asked why the Board doesn't focus on creating new business and supporting the existing ones.

Curtis Cook stated he is in support of the ordinance. He stated it is a process matter that has to be put in place before impact fees can be assessed. It is a process matter and doesn't hurt anyone to have on the books. He stated it would be disappointing to have someone come up with fees and have no process to move forward.

Terry Daniel asked about mitigation fees, pro rata fees and now we are adding impact fees. What are the differences? Commissioner Chilcott replied impacts fees are bricks and mortar, mitigation fees are for service and pro rata is for roads. He explained how each can be used. Terry stated she checked with Corvallis School District. They have a \$10,150 fee proposed. She stated with the impact fee charged per house, there is a \$900,000 overage because enrollment is down. Commissioner Chilcott stated the ordinance does not set any fee. It is a process of how the impact fees would be reviewed. Commissioner Thompson stated if impact fees are put in place and in a few years the school districts find out what the cost would be it may be more in five years. He stated Corvallis requested \$7,000 for impact fees not \$10,150. He stated the numbers can't be set without knowing what they are going to be. Commissioner Rokosch stated each specific taxing district will have to come forward and do an economic analysis. Then it would have to be reviewed by the Board. He stated every year the cost of construction increases. Terry asked if she had a property and wanted to build on, would she have to pay the fees. Commissioner Rokosch replied at the time a septic permit is issued, that would be the time to pay the fee. Commissioner Chilcott stated this ordinance is the

road map on how the Board would review an impact fee proposal. There are no dollars or collection mentioned. There is no guarantee the impact fee would be adopted. Commissioner Rokosch stated State legislation is like an atlas and does not dictate a process for implementation. He stated this ordinance is the local implementation road map with the detail of how the process works.

Chuck Roubik stated he has heard some interesting things today. He stated this would be bad to enact without fees. He stated people believe there are fees associated with this. He also has heard if there were better jobs and wages, having impact fees wouldn't be concern. He stated it is hard to draw new industry to a place where there is no clear direction and chaos. He stated zoning would have been one way to draw businesses to the community. He stated he is in support of the ordinance.

Gayle Knox stated she is in support of the ordinance. She stated predictability in a community that is well run is better for new businesses to land. She doesn't mind paying fair taxes. She supports fair taxes.

Doug Soehren stated he is here to represent Friends of the Bitterroot. He stated they have tried for years to draw attention to the impact of new development to the community. He stated he would like to thank everyone who worked on addressing the need for fair economical impact fees. He stated there are impacts beyond development that should be considered.

Rich Morrissey stated there is a lack of clarity. He stated this idea is each new development poses new costs to the County. He stated this addresses the incremental cost and it is not derived from hearsay. Each new home costs the County. The fairness is the new development pay for it. It is not a tax reduction but a lack of tax increase. If this is not done, the schools will not be able to deal with the cost of new students. This is only capital cost.

J.R. Iman stated in this situation, there is always conflict with new ideas. He stated the fact is often Montana law is referred to. He stated the Planning Board has argued what the interpretation of the law is from the Board. He urged the Board to consider what the grader district in this ordinance is. He reviewed what has been done in the past with returning money collected in mitigation. He stated it was not returned but reverted into the general fund. He asked how the money is going to be spent. He asked if it can be changed from a capital improvement fee to a mitigation fee. In the past five to seven years, there has been an increase in these fees and there needs to be a way to assess them. School enrollment has been down. He stated coming up with a number and then it cannot be used according to the Montana law that has been said to be used. He asked what happens with the money. He stated it should be specified within the ordinance.

Chris Taggart asked if it is the intention to have both mitigation fees and impact fees. Commissioner Thompson stated you cannot combine both. Chris stated she wanted to make sure they were not going to get a double hit for subdivisions. Commissioner Thompson stated people are going to have to think about it before doing the economic

study. Commissioner Rokosch stated there are different effects of bricks and mortar versus effects on services. He stated there can be two separate fees but you cannot duplicate on the same issue. Commissioner Chilcott reviewed the process for clarification. He gave the example of school districts. He stated the mitigation fee for new teachers or books can be assessed legally however, impact fees are for capital improvements only. Chris asked with working with development, she would like the consideration of a 50/50 split of paying half upfront and the reminder upon first conveyance.

Ben Hillicoss stated these are future taxes to save homeowners. He stated these fees are required to continue to maintain a level of service and a way of life. He believes these would help not hurt.

Dan Cox stated there are a lot of sincere people who are either for it or against it. He stated they have wasted an hour when the Board has already decided how they are going to vote on the ordinance. He asked why the citizens would go through the process of a public hearing when the Board has already made up their mind on how they are going to vote. He asked if they are sitting through a predetermined agenda. Commissioner Thompson stated this is not the first meeting on this topic. The ordinance has been through multiple changes. He stated he has listened extensively to citizen input over the past five years. Commissioner Chilcott stated he would like to respond to J.R. Iman's comments for the drop dead time of when fees are collected. He stated it should be implied within the ordinance. Commissioner Driscoll stated there are times when she did not think she was heard during meetings and it is frustrating. However, there is a lot of material received and then reviewed by the Board outside of this room to come to a decision with citizen input. She agrees with Commissioner Thompson. Commissioner Rokosch stated there has been ample citizen input into this document. He stated during the first reading there were several changes made due to citizen input. He stated this is an opportunity for citizens to bring forth things that may be included that hadn't been previously considered. There is value of the public process and opportunity for public input.

Commissioner Grandstaff closed public comment and opened board deliberations. Commissioner Chilcott requested J.R. Iman's suggestion be incorporated into this document.

Commissioner Driscoll made a motion to approve Ordinance No. 17 second reading. Commissioner Rokosch seconded the motion. Discussion: Commissioner Chilcott stated he is opposed to not including J.R.'s suggestion. Commissioner Rokosch stated he is not saying it does not deserve merit but he does not see why the ordinance cannot move forward. **Commissioner Grandstaff, Commissioner Rokosch, Commissioner Driscoll and Commissioner Thompson voted 'aye'. Commissioner Chilcott voted 'nay'. Motion carried.**

Minutes: Glenda Wiles

► The Board met to award the bid for Prescription Medication and Medical Support Items for the Detention Center. Present was Detention Officer Cathy Powell and the Jail Nurse, Susan Devine for the Detention Center. Cathy stated they reviewed these bids and suggested the utilization of Bitterroot Drug. Bitterroot Drug has excellent service and they have utilized this drug store before. Cathy stated the cost of goods depend upon the service and how many prescriptions are purchased, so each bid is different in the pricing. The owner of Bitterroot Drug lives four blocks from the detention center and he has responded quickly whether it is 3:00 p.m. or 3:00 a.m. Susan stated Bitterroot Drug will also provide some continuity of service when she is absent, and she felt that will be significant to the Detention Center. She also noted they have listed four different pharmacists with cell/home numbers which the other pharmacies did not list. Commissioner Chilcott stated he likes to utilize local companies unless the cost of products is too high. Commissioner Grandstaff reviewed the bids as presented and noted some cost differences between the drug store bids, noting Bitterroot Drug has some prices that are lower, while some of their medications are higher. **Commissioner Chilcott made a motion to award the contract to Bitterroot Drug. Commissioner Thompson seconded the motion and all voted "aye".**

► Commissioner Grandstaff and Commissioner Driscoll attended the Bitterroot Valley Community College Trustee Conference call at the Human Resource Council.

Minutes: Beth Perkins

► The Board met to approve the amendments and agreements to Highway amenities agreements for Woodside-Victor, Stevensville Wye and Hamilton North of Woodside. Present were Park Board members Gary Leese, William Delaney and John Ormiston. Commissioners Grandstaff and Driscoll were not present due to the above noted meeting.

Commissioner Rokosch called the meeting to order.

Gary asked for clarification with the bike path/sidewalk plowing and the funding for such. Commissioner Chilcott replied it is referring to both. John expressed his concern since it is over 3 miles of sidewalk that would need plowing. William stated it is actually 3.7 miles times 2 from Highway 93 to the South to Stevensville Wye. Gary stated it is a 5 foot sidewalk. Commissioner Thompson asked for clarification. William stated a regular truck or plow truck will not fit to plow the area. John added it would require a different type of equipment to plow the paths. Commissioner Chilcott stated the Board can move forward with the amendments and then schedule some discussion on the sidewalk snow removal. Administrative Assistant Glenda Wiles stated it is a part of the amendments. Further discussion followed regarding the bike path/sidewalks. Commissioner Rokosch stated he is not seeing any distinction within the agreements. John stated there is a commitment and it costs money. He stated they can take a look at what is planned at Victor when the project is done. Commissioner Chilcott stated Victor plowing would be the responsibility of Victor Park District. John stated the bottom line is it costs money

and the Commissioners are the ones agreeing to the maintenance without a thought of how it is going to be paid for and who is going to pay it. Commissioner Chilcott replied Victor can work with their group. He stated Stevensville has their focus group. Those that do not have an entity, it does fall back on the Park Board. Commissioner Rokosch stated how to deal with it is open for discussion. He requested an assessment of what it is going to take to get it done so obligations can be met. John stated the Park Board accepted the responsibility by motion however, the name on the agreements are the County Commissioners not the Park Board. He stated the Park Board was not involved in any of the landscaping designs or maintenance portions. His concern is coming up with the money to provide the maintenance. William stated the Park Board does not want to end up like Florence. Commissioner Thompson stated the history needs to be looked at. Ravalli County was the first county to put in a walkable path in Florence. The amenities were negotiated with MDOT. He stated it came to a shock to him, MDOT added the snow removal. After negotiations, \$28,000 was given for the snow plowing. He understands the Park Board's point of view. John stated \$28,000 will go a long way for snow plowing but when the maintenance of the landscaping is included, it will cost a lot more than \$28,000.

Commissioner Chilcott made a motion to approve the amenities with Stevensville Wye and North of Woodside Victor and approve the agreement with Woodside Victor. Commissioner Thompson seconded the motion. Discussion: Commissioner Thompson stated an ATV with a snow plow will need to be purchased but it needs to include maintenance. He also discussed the benches and the trash cans along the walk paths. He suggested having a mill levy to help with maintenance and water. It would be a different discussion for another day. **All voted 'aye'.**

Gary stated if the recommendations presented to the Park Board are accepted, they will request a meeting with the Board of County Commissioners. The degree of maintenance needs to be established.